

THIRTY-FIFTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative W.A. "Dub" Nance, of Shelby County.

Representative Nance led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 97

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 626, 815, 852, 971 and 1055; House

Resolutions Nos. 28 and 60; and House Joint Resolution No. 143; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 626, 815, 852, 971 and 1055; House Resolutions Nos. 28 and 60; and House Joint Resolution No. 143.

**REPORT OF CHIEF ENGROSSING CLERK**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 10, 604, 855 and 859; for his action.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bills Nos.:

895--To enact Model Prison Reform Act;

1058--To regulate operation, blind vending stands;

1153--To enact Metropolitan Hearing Officer Act of 1983; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution No. 207; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution No.

207; for his action.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

216--Relative to honoring Dr. T.Q. "Doc" Lashlee;

217--Relative to memory, Clifford Wray; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

CALENDAR

House Bill No. 647--To provide for expenses, certain training sessions.

On motion, House Bill No. 647 was made to conform with Senate Bill No. 480.

On motion, Senate Bill No. 480, on same subject, was substituted for House Bill No. 647.

Mr. Scruggs moved that Senate Bill No. 480 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 480 by changing the period to a semi-colon at the end of the second sentence of the amendatory language of Section 1, and by adding the following language:

provided, however, that funds for such purpose have been appropriated by the county legislative body.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 480, as amended, passed its third and final consideration by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 94 |
| Noes . . . . . | 0  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark

(Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 897--To amend Section 12-4-108, Code.

On motion, House Bill No. 897 was made to conform with Senate Bill No. 362.

On motion, Senate Bill No. 362, on same subject, was substituted for House Bill No. 897.

Mr. Tanner moved that Senate Bill No. 362 be passed on third and final consideration, which motion prevailed by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 92 |
| Noes . . . . . | 1  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--92.

Representative voting no was: Shirley--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 895--To make certain provisions, drainage and

level districts.

On motion, House Bill No. 895 was made to conform with Senate Bill No. 560.

On motion, Senate Bill No. 560, on same subject, was substituted for House Bill No. 895.

Mr. Tanner moved that Senate Bill No. 560 be passed on third and final consideration, which motion prevailed by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 94 |
| Noes . . . . . | 0  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the chair to Mr. Brewer Speaker pro tem.

House Bill No. 573--To provide for information, certain state programs.

On motion, House Bill No. 573 was made to conform with Senate Bill No. 728.

On motion, Senate Bill No. 728, on same subject, was substituted for House Bill No. 573.

Ms. DeBerry moved that Senate Bill No. 728 be passed on third and final consideration, which motion prevailed by the following vote:

|                                  |    |
|----------------------------------|----|
| Ayes . . . . .                   | 79 |
| Noes . . . . .                   | 14 |
| Present and not voting . . . . . | 1  |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg,

Brewer, Buck, Byrd, Clark (Davidson), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Ellis, Ford, Gaia, Gill, Harrill, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work and Yelton--79.

Representatives voting no were: Anderson, Atchley, Chiles, Clark (Sumner), Duer, Elsea, Gafford, Hassell, Henry, McNally, Nance, Robertson, Ussery and Williams--14.

Representative present and not voting was: Frensley--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 974--To make provisions, taxation of certain fuels.

Mr. Scruggs moved that House Bill No. 974 be passed on third and final consideration, which motion prevailed by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 93 |
| Noes . . . . . | 0  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 775--To make certain provisions, custody of minor children.

On motion, House Bill No. 775 was made to conform with Senate Bill No. 585.

On motion, Senate Bill No. 585, on same subject, was substituted for House Bill No. 775.

Mr. Buck moved that Senate Bill No. 585 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 585 by deleting the amendatory language of SECTION 1 and substituting instead the following:

In a suit for annulment, divorce or separate maintenance, where the custody of a minor child or minor children fourteen (14) years of age or older is a question, the court shall, upon the sworn motion by either party that such child or children has expressed a desire to make his or their custody preference known to the court, and prior to the award of care, custody and control of such child or children, seek the preference of such child or children relative to the parent with whom he or they desire to live. The court, in its discretion, may receive the testimony of such child or children out of the presence of the parties to such action. The preference of such child or children shall not be binding upon the court but shall be a factor the court shall consider in determining which parent, if either, should be awarded care, custody and control of such child or children.

If the child or children in question is under fourteen (14) years of age, the court, using the same procedure as is set out in the preceding paragraph, may consider the preference of the child or children relative to the parent with whom he or they desire to live.

If the care, custody and control of a minor child or children fourteen (14) years of age or older was awarded to a parent prior to the effective date of this act and the court is considering a petition to change or modify the provisions of such award after its effective date, the court shall consider the preference of such child or children prior to deciding whether to change or modify such prior award if such preference is brought to the court's attention in accordance with the procedure set out in the first paragraph of this act. Using the same procedure, the court may consider the preference of a child or children less than fourteen (14) years of age when a petition is before the court for modification of a prior custody decree.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 585, as amended, passed its third and final consideration by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 93 |
| Noes . . . . . | 0  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

A motion to reconsider was tabled.

House Bill No. 1144--To repeal Section 8-23-207, Code.

Mr. Robertson moved that House Bill No. 1144 be passed on third and final consideration, which motion prevailed by the following vote:

|                                  |    |
|----------------------------------|----|
| Ayes . . . . .                   | 92 |
| Noes . . . . .                   | 0  |
| Present and not voting . . . . . | 1  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wolfe, Wood, Work and Yelton--92.

Representative present and not voting was: Wix--1.

A motion to reconsider was tabled.

House Bill No. 741--To regulate jurisdiction, general sessions courts.



Mr. Murphy moved that House Bill No. 741 be passed on third and final consideration, which motion prevailed by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 96 |
| Noes . . . . . | 0  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--96.

A motion to reconsider was tabled.

House Bill No. 804--To provide for costs payable by state, criminal cases.

Mr. Wix moved that House Bill No. 804 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

#### **AMENDMENT NO. 1**

Amend House Bill No. 804 by deleting SECTION 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 41-4-131, is amended by deleting subsection (b) in its entirety and substituting instead the following:

All state costs shall be properly proved and sworn to before the clerk of the criminal or circuit court of his county and, after being carefully examined, shall be certified by such clerk to the commissioner of finance and administration for payment.

FURTHER AMEND by deleting SECTION 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 41-4-132, is amended by deleting the section in its entirety and substituting instead the following:

The accounts of sheriffs for keeping prisoners in their respective jails charged with crime, for which the state may eventually become liable, shall be certified to the commissioner of finance and administration, who shall issue his warrant for same to any person authorized to receive it, provided the sheriffs having such bills shall first make oath as to the correctness of such bills before the clerk of the circuit or criminal court who shall affix his certificate to same.

On motion, the amendment was adopted.

Thereupon, House Bill No. 804, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 95  
Noes . . . . . 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--95.

A motion to reconsider was tabled.

Mr. Cobb moved that House Bill No. 536 be placed on the Calendar for Wednesday, May 4, 1983, which motion prevailed.

Mr. Miller moved that House Bill No. 440 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Senate Bill No. 1061--To regulate entities, health care coverage, Department of Insurance.

Mr. Hudson moved that Senate Bill No. 1061 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1061 in Section (1) Subsection (B) by deleting the words "certificate or license" and substituting instead

the words "certificate, license or contract".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1061, as amended, passed its third and final consideration by the following vote.

|                |    |
|----------------|----|
| Ayes . . . . . | 94 |
| Noes . . . . . | 0  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frenslley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

A motion to reconsider was tabled.

Mr. Davis (Gibson) moved that House Bill No. 76 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Hudson moved that House Bill No. 1196 be placed on the Calendar for Wednesday, May 4, 1983, which motion prevailed.

FURTHER CONSIDERATION OF SENATE BILL NO. 564

Senate Bill No. 564--To regulate sale of alcoholic beverages.

Mr. Murphy moved that Senate Bill No. 564 be passed on third and final consideration.

Mr. Chiles moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 564 by deleting the amendatory language of House Amendment #1 in its entirety and restoring the language of the bill as it existed prior to the adoption of House Amendment #1.

On motion, the amendment was withdrawn.

Thereupon, Senate Bill No. 564, as amended, passed its third and final consideration by the following vote:

|                                  |    |
|----------------------------------|----|
| Ayes . . . . .                   | 59 |
| Noes . . . . .                   | 27 |
| Present and not voting . . . . . | 7  |

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Chiles, Clark (Davidson), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Disspayne, Dixon, Drew, Ellis, Elsea, Frensey, Gafford, Gaia, Herndon, Hillis, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Phillips, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sir, Starnes, Tanner, Wallace, Webb, Wheeler, Whitson, Williams, Work and Yelton--59.

Representatives voting not were: Atchley, Byrd, Clark (Sumner), Crain, Dills, Duer, Ford, Gill, Harrill, Hassell, Henry, Hudson, Hurley, Huskey, Kent, McAfee, Miller, Nance, Percy, Robertson, Scruggs, Shirley, Shockley, Stallings, Turner, Wolfe and Wood--27.

Representatives present and not voting were: Anderson, Bragg, Brewer, Pickering, Smith, Stafford and Wix--7.

A motion to reconsider was tabled.

Mr. Burnett moved that Senate Bill No. 600 be placed on the Calendar for Wednesday, May 4, 1983, which motion prevailed.

House Bill No. 75--To provide support for family, officers killed in line of duty.

Mr. Davis (Gibson) moved that House Bill No. 75 be passed on third and final consideration.

Mr. Davis (Gibson) moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 75 by deleting the bill in its entirety and substituting instead the following:

SECTION 1. Notwithstanding any provision of the law to the contrary, if any commissioned officer of the Tennessee highway patrol or any field agent of the Tennessee bureau of investigation is killed in the line of duty as the natural and proximate result of an accident or as the direct result of physical violence against his person occurring while the member was in the actual performance of duty at some definite time and place without negligence on his part, such officer's or agent's spouse and children shall have the option to receive one of the following benefits as outlined in parts (1) and (2) below:

(1) The spouse shall receive the officer's or agent's retirement benefits as provided in TCA, Title 8, Chapters 34 through 37, or

(2) (a) The spouse shall receive the officer's or agent's salary at the time of death reduced by any social security benefits received by such spouse or child until the spouse dies, remarries or for a period of forty eight (48) months after such death, whichever comes first. Such payments shall be made from the operating funds of the department which the officer or agent was employed by at the time of his death.

(b) If the spouse dies or remarries within the four year period that salary payments are being made and there are dependent children, then one-half (1/2) of such salary shall be divided equally among the dependent children for either the remainder of the four year period or until the child attains age eighteen (18) unless he is a full-time student in a recognized educational institution in which case such benefits will be continued to age twenty-two (22), whichever comes first.

(c) Any death benefits to which the spouse or dependent children may be entitled to receive from the Board of Claims pursuant to TCA 9-8-201 shall not begin until the salary payments as provided by this section have ceased. In addition, such death benefits provided by the Board of Claims shall be offset in such a manner so that total benefits provided by the Board of Claims shall be payable for a period of time not to exceed one hundred ninety-two (192) weeks.

(d) Retirement benefits as provided in TCA 8-36-108 or 8-36-109 shall be payable after the salary payments as provided by this section have ceased.

SECTION 2. Tennessee Code Annotated, Section 8-36-108(a) is amended by adding after the words "Group 2"

or Prior Class C member of the Tennessee State Retirement System

SECTION 3. Tennessee Code Annotated, Section 8-36-108(a)(1) is amended by deleting the following:

then divided equally among his minor children, each child receiving his share until he attains majority status, at which time the state annuity shall be redistributed equally among the remaining minor children,

and substituting instead the following:

then divided equally among his dependent children, each child receiving his share until he attains age eighteen (18) unless he is a full-time student in a recognized educational institution in which case such benefits will be continued to age twenty-two (22).

**SECTION 4.** This Act shall take effect July 1, 1983, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Davis (Gibson) moved that House Bill No. 75 be placed on the Calendar for Wednesday, May 4, 1983, which motion prevailed.

House Joint Resolutions No. 136--Relative to study, executive orders having force of law.

Mr. Davis (Hamilton) moved that House Joint Resolution No. 136 be adopted, which motion prevailed by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 94 |
| Noes . . . . . | 0  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 705--To make certain provisions, supplemental voter registration.

Mr. Elsea moved that House Bill No. 705 be passed on third and final consideration, which motion prevailed by the following vote:

|                                  |    |
|----------------------------------|----|
| Ayes . . . . .                   | 93 |
| Noes . . . . .                   | 0  |
| Present and not voting . . . . . | 1  |

Representatives voting aye were: Anderson, Atchley, Bell,

Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

Representatives present and not voting was: Dixon--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 430--To make certain provisions, land surveying.

On motion, House Bill No. 430 was made to conform with Senate Bill No. 568.

On motion, Senate Bill No. 568 on same subject, was substituted for House Bill No. 430.

Mr. Miller moved that Senate Bill No. 568 be passed on third and final consideration, which motion prevailed by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 94 |
| Noes . . . . . | 0  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 67--To change Goodwyn Institute Commission.

On motion, House Bill No. 67 was made to conform with Senate Bill No. 103.

On motion, Senate Bill No. 103, on same subject, was substituted for House Bill No. 67.

Mr. Davis (Hamilton) moved that Senate Bill No. 103 be passed on third and final consideration, which motion prevailed by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 94 |
| Noes . . . . . | 0  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Mr. King (Washington) moved that House Bill No. 1169 be placed on the Calendar for Wednesday, May 4, 1983, which motion prevailed.

Mr. Murphy moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 221 out of order, which motion prevailed.

House Joint Resolution No. 221--Relative to forthcoming Varney-Goetz nuptial event--By Murphy.

Mr. Murphy moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 221, which motion prevailed.

Mr. Murphy moved that House Joint Resolution No. 221 be adopted, which motion prevailed by the following vote:



|                |    |
|----------------|----|
| Ayes . . . . . | 98 |
| Noes . . . . . | 0  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --98.

A motion to reconsider was tabled.

Ms. Williams moved that Senate Bill No. 542 be placed on the Calendar for Wednesday, May 4, 1983, which motion prevailed.

House Bill No. 970--To increase tax collected on criminal cases.

On motion, House Bill No. 970 was made to conform with Senate Bill No. 352.

On motion, Senate Bill No. 352, on same subject, was substituted for House Bill No. 970.

Mr. Bragg moved that Senate Bill No. 352 be passed on third and final consideration.

Mr. Owen moved to amend as follows:

#### AMENDMENT NO. 1

Amend Senate Bill No. 352 by adding the following to the end of the amendatory language of Section 2:

Provided, however, such clerks' conference shall be funded by the State only if it is held in a state park.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

#### AMENDMENT NO. 2

Amend Senate Bill No. 352 by deleting from the final paragraph of

the amendatory language the following: "shall be paid over to the executive secretary of the supreme court" and by substituting instead the following:

"shall be held in the state treasury and disbursed only upon request of the executive secretary of the supreme court and used only".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 352, as amended, passed its third and final consideration by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 96 |
| Noes . . . . . | 0  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton --96.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 52--To provide for mutual assistance, fire fighting.

On motion, House Bill No. 52 was made to conform with Senate Bill No. 338.

On motion, Senate Bill No. 338, on same subject, was substituted for House Bill No. 52.

Mr. Davis (Hamilton) moved that Senate Bill No. 338 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 338 by inserting the words "for such

incorporated cities and towns" between the words "obligations" and "to furnish" in the amendatory language of Section 1.

AND FURTHER AMEND by inserting the following language at the end of the amendatory language of Section 1:

Such contracts entered into between incorporated cities and towns and an organization of residents and property owners of unincorporated communities shall be for the purpose of authorizing an incorporated city and town to provide fire fighting assistance to unincorporated communities.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 338, as amended, passed its third and final consideration by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 95 |
| Noes . . . . . | 0  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--95.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 995--To allow sale alcoholic beverages, historic centers.

On motion, House Bill No. 995 was made to conform with Senate Bill No. 922.

On motion, Senate Bill No. 922, on same subject, was substituted for House Bill No. 995.

Ms. Gaia moved that Senate Bill No. 922 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 922 by deleting the last sentence of Section 2, subpart (2) in its entirety and by substituting instead the following:

Alcoholic beverages may be consumed inside the auditorium of such center.

On motion, the amendment was adopted.

Thereupon Senate Bill No. 922, as amended, passed its third and final consideration by the following vote:

|                                  |    |
|----------------------------------|----|
| Ayes . . . . .                   | 71 |
| Noes . . . . .                   | 19 |
| Present and not voting . . . . . | 3  |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Disspayne, Dixon, Drew, Ellis, Elsea, Frensley, Gafford, Gaia, Hassell, Henry, Herndon, Hudson, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Sir, Smith, Starnes, Tanner, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Work and Yelton--71.

Representatives voting no were: Atchley, Crain, Davis (Pickett), Dills, Duer, Ford, Gill, Harrill, Hillis, Hurley, Huskey, McAfee, Nance, Shirley, Shockley, Stallings, Turner, Wolfe and Wood--19.

Representatives present and not voting were: Anderson, Stafford and Ussery--3.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

**CONSENT CALENDAR**

**OBJECTIONS**

Objections were filed to the following bills and resolutions on the Consent Calendar:

Mr. Owen objected to House Bill No. 926.

Mr. Work objected to House Bill No. 1319.

Under the rules, House Bills Nos. 926 and 1319 were placed at the foot of the Calendar for Monday, May 2, 1983.

House Joint Resolution No. 177--Relative to study, services for mentally retarded.

House Bill No. 703--To establish comprehensive educational programs, Hamilton County.

On motion, House Bill No. 703 was made to conform with Senate Bill No. 848.

On motion, Senate Bill No. 848, on same subject, was substituted for House Bill No. 703.

House Joint Resolution No. 68--Relative to study, student health records.

House Joint Resolution No. 77--Relative to advocating jobs for the handicapped.

House Joint Resolution No. 165--Relative to study, the quality of education.

House Resolution No. 30--Relative to study, subsurface sewage disposal.

House Bill No. 1007--To amend Uniform Administrative Procedure Act.

On motion, House Bill No. 1007 was made to conform with Senate Bill No. 909.

On motion, Senate Bill No. 909, on same subject, was substituted for House Bill No. 1007.

Senate Joint Resolution No. 88--Relative to congratulating TVA.

House Bill No. 1306--To grant certain authority, Juvenile Court, Henry County.

House Bill No. 1307--To increase number of Commissioners, Humphreys County Port Authority.

House Joint Resolution No. 174--Relative to confirming appointment, Jim Carmichel, Wildlife Resource Commission.

House Joint Resolution No. 175--Relative to confirming appointment, Thomas L. Knowles, Wildlife Resources Commission.

House Joint Resolution No. 176--Relative to confirming appointment, Frank R. Madlinger, Wildlife Resources Commission.

House Joint Resolution No. 211--Relative to congratulating Janet Fay Brezeale.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 95 |
| Noes . . . . . | 0  |

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--95.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

1114--To regulate certain allowance, General Assembly; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

House Bill No. 1105--To change mileage allowance, General Assembly.

On motion, House Bill No. 1105 was made to conform with Senate Bill No. 1114.

On motion, Senate Bill No. 1114, on same subject, was substituted for House Bill No. 1105.

Mr. King (Washington) moved that Senate Bill No. 1114 be passed on third and final consideration, which motion prevailed by the

following vote:

|                                  |    |
|----------------------------------|----|
| Ayes . . . . .                   | 73 |
| Noes . . . . .                   | 20 |
| Present and not voting . . . . . | 2  |

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Crain, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Harrill, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stafford, Stallings, Starnes, Tanner, Ussery, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--73.

Representatives voting no were: Bell, Byrd, Clark (Sumner), Davidson, Dills, Gafford, Hassell, Henry, Hudson, Kent, McAfee, McNally, Miller, Nance, Percy, Scruggs, Shockley, Sir, Smith and Turner--20.

Representatives present and not voting were: Robinson (Davidson) and Wallace--2.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

**NOTICE PURSUANT TO RULE NO. 57**

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Monday, May 2, 1983:

House Bill No. 196--Rhinehart

House Bill No. 545--Yelton

House Bill No. 1123--Wood

Mr. Gill moved that House Bill No. 917 be taken off notice, which motion prevailed.

**BILLS RE-REFERRED**

On motion of Mr. Gill, House Bill No. 1116 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Gill, House Bill No. 1116 was referred to the Committee on Finance, Ways and Means.

On motion of Mr. Gill, House Bill No. 117 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Gill, House Bill No. 117 was referred to the Committee on Finance, Ways and Means.

On motion of Mr. Gill, House Bill No. 391 was recalled from the Committee on Calendar Rules.

On motion of Mr. Gill, House Bill No. 391 was referred to the Committee on Finance, Ways and Means.

**SECOND ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

**INTRODUCTION OF RESOLUTIONS**

House Joint Resolution No. 212--Relative to acknowledging Paul A. Snider--By Covington.

Under the rules, House Joint Resolution No. 212 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 214--Relative to study, services for blind--By DeBerry.

The Speaker referred House Joint Resolution No. 214 to the Committee on Calendar and Rules.

House Joint Resolution No. 218--Relative to commending Jane L. Pickens--By Owen and Scruggs.

Under the rules, House Joint Resolution No. 218 was referred to the Committee on Calendar and Rules.



House Joint Resolution No. 219--Relative to honoring Betty S. Haynes--By Mr. Speaker McWherter, Naifeh, Love, Bragg, Burnett, Davis (Gibson), McKinney, Kisber, Tanner, Gill, DeBerry, Davis (Hamilton), Henry, Robertson, Smith, Scruggs, Drew, Huskey, Harrill, Crain, Robinson (Washington), Bewley, Webb, Wallace, Kelley, Bivens, Whitson, Yelton, Moore (Sullivan), Dills, Buck, Murray, Bell, Sir, Gafford, Herndon, Napier, Johnson, Hudson and Severance.

Under the rules, House Joint Resolution No. 219 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 220--Relative to honoring Dr. Frank Knittel--By Starnes.

Under the rules, House Joint Resolution No. 220 was referred to the Committee on Calendar and Rules.

### **INTRODUCTION OF BILLS**

House Bill No. 1326--To levy wheel tax, Henry County--By Kelley and Mr. Speaker McWherter.

Passed first consideration.

House Bill No. 1327--To set coon season Fentress, Overton and Morgan Counties--By Burnett and Henry.

Passed first consideration.

House Bill No. 1328--To authorize amusement tax, certain counties--By Scruggs.

Passed first consideration.

House Bill No. 1329--To permit professional process services, certain counties--By Owen.

Passed first consideration.

House Bill No. 1330--To amend Section 67-3052, Code--By Owen.

Passed first consideration.

House Bill No. 1331--To amend Charter, Henderson--By Wallace and Stallings.

Passed first consideration.

### **SENATE BILLS ON FIRST CONSIDERATION**

Senate Bill No. 895--To enact Model Prison Reform Act.

Passed first consideration.

Senate Bill No. 1058--To regulate operation, blind vending stands.

Passed first consideration.

Senate Bill No. 1153--To enact Metropolitan Hearing Officer Act.

Passed first consideration.

### **HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 1321--To set coon season, Carter and Johnson Counties.

Passed second consideration and referred to Committee on Calendar and Rules.

House Bill No. 1322--To set coon season, Bradley County.

Passed second consideration and referred to Committee on Calendar and Rules.

House Bill No. 1323--To set coon season, Loudon County.

Passed second consideration and referred to Committee on Calendar and Rules.

House Bill No. 1324--To set coon season, Knox County.

Passed second consideration and referred to Committee on Calendar and Rules.

House Bill No. 1325--To set coon season, Hawkins County.

Passed second consideration and referred to Committee on Calendar and Rules.

### **REPORT FROM STANDING COMMITTEE**

#### **JUDICIARY**

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bill No. 911 (with amendment).

MURPHY, Chairman.

Under the rules, House Bill No. 911 was transmitted to the Committee on Calendar and Rules.

### **REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to

report that we have met and set the following bills on the Calendar for Monday, May 2, 1983: House Bills Nos. 224, 704, House Joint Resolution No. 167, House Bills Nos. 462, 467, 1213, 1034, 378, 657, 1100, 881, 1063, 821, 1074, 37, 97, 1277, 1131, and Senate Joint Resolution No. 40.

GILL, Chairman.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.:

779--To amend Sections 18-5-106 and 18-5-107, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1281--To amend Charter, Huntingdon;

1283--To provide for Board of Mayor and Aldermen, Pikeville;

1286--To repeal Chapter 373, Private Acts, 1982;

1287--To repeal Chapter 153, Private Acts. 1979;

1288--To impose litigation tax, Cannon County;

1295--To provide for Tipton County school system;

1297--To provide for Tenth School District, Wilson County;

1298--To provide for issuance of bonds, Tenth School District, Wilson County;

1300--To provide for judge of Trial Justice Court, Sevier County;

1301--To set term Hamilton County Board of Education; all substituted for Senate bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.:

62--Relative to extending reporting date, study, cultural resources agency; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1082--To regulate hazardous waste management;

1194--To authorize tax, certain products severed from ground, certain counties;

1202--To levy amusement tax, certain counties; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.:

190--To amend Title 40, Chapter 14, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, May 2, 1983: House Bill No. 24; House Resolution No. 24; House Joint Resolution No. 179; House Bill No. 874; House Resolution No. 61 and House Joint Resolutions Nos. 212, 218, 219 and 220.

GILL, Chairman.

**MESSAGE FROM THE GOVERNOR**

MR. SPEAKER:

I am directed by the Governor to return herewith: House Joint

Resolutions Nos. 186 and 207, with his approval.

WILLIAM C. KOCH, JR.,  
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

273--To make certain provisions;

499--To create the Tennessee Competitive Export Corporation;

835--To amend Section 57-4-306, Code;

870--To allow county executives to retain certain fees; all substituted for Senate Bills on same subject, all amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

169--To fix liability, damaged textbooks.

The Senate refused to recede from its action in nonconcurring in House Amendment No. 4. The Speaker appointed a Conference Committee composed of Senators Crockett, Dunavant and Rucker to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 169.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

204--To set qualifying deadline, independent candidates;

507--To make certain provisions, roll-back taxes;

552--To make certain requirements, motor vehicles;

553--To provide for split precincts, certain counties;

675--To increase board of directors, student assistance corporation;

720--To provide for employment and training, police officers;

853--To amend Section 8-27-101, Code;

887--To regulate termination, rental agreements; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

445--To regulate collection, fee, beer license;

828--To set maximum effective rates of interest;

875--To regulate retirement, Tennessee Retirement System;

1099--To regulate options, renew state leases; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 705, 741, 804, 974, 1144, 1306 and 1307; and House Joint Resolutions Nos. 68, 77, 136, 165, 174, 175, 176, 177, 211 and 221; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 626, 815, 852, 971 and 1055; also, House Joint Resolution No. 143; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 626, 815, 852, 971 and 1055; and House Joint Resolution No. 143; for his action.

**MARILYN EVELYN HAND,**  
Chief Engrossing Clerk.

**REPORT FROM STANDING COMMITTEE**

**TRANSPORTATION**

**MR. SPEAKER:** Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 512, 1140 and 1149 and further recommend that pursuant to House Rule No. 70, House Bill No. 1140 be referred to the Committee on Finance, Ways and Means.

**ROBINSON (Davidson), Chairman.**

Under the rules, House Bills Nos. 512 and 1149 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bill No. 1140 to the Committee on Finance, Ways and Means.

On motion of Mr. Naifeh, the House adjourned until 5:00 p.m., Monday, May 2, 1983.